

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3291 of 1986

Date of decision: 3-3-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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HEIRS OF G L ZALA

Versus

CHIEF DEFENCE ACCOUNTANT (PENSION)

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Appearance:

MR GM AMIN for Petitioner

MR JD AJMERA for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 3-3-1997

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CAV JUDGEMENT

The petitioner has filed this petition for direction to the respondents to amend his date of birth. The petitioner has also prayed for ancillary reliefs, such as grant of pension according to length of service, leave preparatory to retirement, etc.,

2. In the reply to the special civil application the respondents have raised preliminary objection that this petition suffers from delay, latches and acquiescence. The petitioner has resigned from service as far back as in the year 1949. The petitioner has made grievance regarding correction of his date of birth, grant of furlough leave, leave preparatory to retirement, etc., So far as the grievance of the petitioner (since deceased) regarding correction of date of birth is concerned, I do not find any substance therein. The petitioner had resigned from service on 13th January, 1949, and he prayed for correction of his date of birth more than 30 years after his resignation. So far as the other grievances are concerned, the petitioner (since deceased) was given pension in accordance with the relevant rules. Initially the pension was granted at Rs. 40.69ps. per month with effect from 5th February, 1949, and then it was revised from time to time. The petitioner was given pension as per his entitlement. Otherwise, also, the prayer of the nature which is made suffers from delay and latches. Taking into totality of the facts of this case I do not find any substance in the special civil application.

3. In the result this writ petition fails and the same is dismissed. Rule discharged. No order as to costs.

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